

### **Remarks**

The Official Action mailed October 21, 2009 has been carefully considered. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

The Examiner has indicated that independent claim 1 and dependent claims 2-22 would all be allowable if rewritten or amended to overcome the 35 U.S.C. § 112, second paragraph, objections as listed. Applicant has attempted to do so as noted herein and trust that that Examiner will now find the application in condition for allowance.

More specifically, the Examiner at page 6 of the Office Action indicated that claim 1 would be allowable, if certain formal corrections were entered, along with the feature that we recite, at the conclusion of the claim, that “the measure of impedance between the electrodes as a liquid medium flows through the measuring chamber serves to measure the pressure of the liquid medium.” Applicant appreciates the indication of allowable subject matter and has corrected/amended that claims in such manner.

Specifically, claim 1 was amended to add “wherein a measure of impedance between the electrodes as a liquid medium flows through the measuring chamber serves to measure the pressure of the liquid medium”. Support may be found at paragraph [0009] of the published application which recites “[t]he device according to the present invention can also be used especially effectively for measuring pressure in dialysis, since the presence of gas or air inside the measuring chamber is not necessary, and it is instead a liquid medium in particular that flows through the measuring chamber.” No new matter has been entered.

As indicated in the Amendments to the Specification portion of this paper the words “said” and “comprising” and the reference to “Figure 1” have been removed from the Abstract. Reference numerals were also removed from the Abstract. No new matter has been entered.

Amendments to the specification were also included for the two paragraphs appearing at page 3, line 25 to page 4, line 10. Specifically, reference to claim 1 was deleted to comply with U.S. format. No new matter has been entered.

The disclosure was objected to on the grounds that there is no brief description of **FIG. 4**. As indicated in the Amendments to the Specification portion of this paper, the

specification has been amended to include a description of **FIG. 4**. “**FIG. 4** shows an end view of the device of **FIG. 3**.” No new matter has been entered.

Claims 1-22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on the basis that it included grammatical and idiomatic errors. Corrections have been made as follows. No new matter has been entered as a result of these changes.

Claims 1, 3-7, 11-12, 19 and 21 have been amended to remove the phrase “in particular”.

Claims 1, 14, 21 and 22 have been amended to provide proper antecedent basis for the various claim terms.

Claims 1-20 and 22 have been amended to recite “wherein” in place of “characterized in that”.

Claim 1 has further been amended to remove the reference to impedance measurement.

Claim 2 has been amended to recite that alternating current is being supplied to the excitation electrode. No new matter has been entered.

Claims 3 and 4 have been amended to recite “relatively” high frequency and “relatively” low current. No new matter has been entered.

The phrase “or otherwise applied” has been canceled from claim 6.

Claim 8 has been amended to recite “wherein said elastic wall has freedom to move in or out with respect to said chamber” (see the arrows in **FIG. 4** for support).

Claim 9 has been amended to describe a cap or recess that provides the freedom in claim 8 (free mobility).

Claim 10 has been amended to recite that “the elastic wall abuts said cap or recess”. Support may be found in paragraph [0015]. No new matter has been entered.

Claim 11 has been amended to recite “wherein said device may be adjusted and held at an adjustable height on the retaining means” and to depend from claim 9. No new matter has been entered.

Claim 12 has been amended to now depend from claim 9 which then provides proper antecedent basis for “retaining means”.

Claim 13 has been amended to provide antecedent basis for conductivity and for an excitation electrode.

Claim 14 has been amended to recite wherein said device measures conductivity between the electrodes as a liquid medium flows through the measuring chamber which serves to measure a hematocrit value, in order to clarify the claim and as noted, provide antecedent basis. Support can be found paragraph [0008] of the published application.

Claim 15 has been amended to depend from claim 9 in order to provide antecedent basis for “the retaining means”.

Claim 16 has been amended to recite that “the retaining means has a retaining plate which is provided with contact surfaces or contact pads to provide contact between the retaining means and the measuring chamber.” No new matter has been entered.

Claim 18 has been amended to recite that “said excitation and said second electrodes are formed integrally.” Claims 19 and 20 have been similarly amended.

Claim 21 has been amended to include the features of the device of claim 1, along with other clerical changes to deal with the outstanding 112 rejection. No new matter has been entered.

Claim 22 has been amended to recite “the start and end values are compared” to clarify that there is a measurement of conductivity at the start and end of the measurement path. No new matter has been entered.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

By: /Steven J. Grossman/  
Steven J. Grossman, Ph.D.  
Reg. No. 35,001